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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**CITIZENS FOR CIVIC
ACCOUNTABILITY,**

Plaintiff and Appellant,

v.

TOWN OF DANVILLE,

Defendant and Respondent;

DAVIDON HOMES,

**Real Party in Interest and
Respondent.**

A123317

**(Contra Costa County
Super. Ct. No. N071359)**

Plaintiff Citizens for Civic Accountability appeals a postjudgment order denying its request for “private attorney general” attorney fees in its underlying mandamus proceeding. On October 14, 2009, in an unpublished opinion, this court ruled in favor of plaintiff and reversed the judgment in the underlying action on the merits. (*Citizens for Civic Accountability v. Town of Danville* (Oct. 14, 2009, as modified Nov. 9, 2009, A121899.) We remanded with directions to the trial court to: (1) enter a judgment granting plaintiff’s writ of mandate petition, and (2) issue a peremptory writ of mandate directing defendant Town of Danville to (a) set aside its certification of the Mitigated Negative Declaration for the project, and (b) prepare an environmental impact report in compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.). In accordance with the views expressed in our opinion, the court’s

postjudgment order denying plaintiff attorney fees must also be reversed.¹ On remand, the trial court is ordered to rehear plaintiff's motion for attorney fees.

Plaintiff is entitled to costs on appeal.

SIMONS, J.

We concur:

JONES, P. J.

NEEDHAM, J.

¹ We deny plaintiff's November 30, 2009 letter request to "address the improper financial burden criterion applied by the trial court."